



TOWN OF WESTPORT
CONSERVATION COMMISSION

TOWN HALL – 110 MYRTLE AVENUE
WESTPORT, CT 06880
P 203.341.1170 F 203.341.1088

MINUTES
WESTPORT CONSERVATION COMMISSION
SEPTEMBER 9, 2020

The September 9, 2020 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. via Zoom.

ATTENDANCE

Commission Members:

Anna Rycenga, Chair
Paul Davis, Vice-Chair
Donald Bancroft, Secretary
Tom Carey
Stephen Cowherd, Esq.
Paul Lobdell
Robert Corroon, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst
Susan Voris, Administrative Assistant II

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the September 9, 2020 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian,
Conservation Department Director

Changes or Additions to the Agenda. The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing.

Ms. Mozian noted there were no changes to be made to the agenda. The agenda had been revised and reclocked with the Town Clerk to reflect that **128 Bayberry Lane** was removed from this agenda and postponed to October.

Ms. Voris added there was a revision to the application number for **6 Manitou Court**. The application number was corrected to **#WPL-11051-20** as it was originally noticed incorrectly. This was also properly noticed.

Ms. Rycenga thanked Mr. Mark Perlman who has recently resigned for his outstanding job and dedication to the Conservation Commission. She noted that the commission was fortunate to have him on a member and best wishes to him and his family.

Ms. Rycenga read the guidelines that are to be followed and noted that the following commission members visited and observed the sites in preparation for the public hearings and work session items:

Anna Rycenga, Chair
Paul Davis, Vice-Chair
Donald Bancroft, Secretary
Tom Carey
Attorney Stephen Cowherd
Paul Lobdell
Robert Corroon, Alternate

Work Session: 7:00 p.m.

1. Receipt of Applications

Ms. Mozian noted there were 6 applications to be officially received including:

- **13 Boxwood Lane:** Application #IWW/M-11050-20 by Douglas & Patricia Brill to amend wetland boundary map # G14.
- **Bayberry Lane Extension Bridge (Bridge No. 04969) over Aspetuck River:** Application #IWW,WPL-11049-20 by Keith Wilberg, Town Engineer, on behalf of the Town of Westport to remove the existing two lane bridge over the Aspetuck River and replace it with a new bridge in approximate place and kind. Work is within the upland review area setbacks and the WPLO area of the Aspetuck River.
- **4 Hockanum Road:** Application #IWW,WPL-11055-20 by Robert Pryor of LandTech on behalf of Andrew and Michelle Ludel to construct a new garage, relocate the driveway, proposed basement hatch and associated site grading/restoration to alleviate existing flooding conditions. Proposed work is within the upland review area and the WPLO area of Willow Brook.
- **37 Spicer Road:** Application #IWW,WPL-11053-20 by William Achilles, AIA on behalf of Spicer 37 Westport LLC to demolish the existing detached garage, construct a new attached 2-story garage addition with hobby room above, additions and renovations to the existing residence include new higher roof above the second floor and a new a/c unit in the setback. Portions of the work are within the upland review area and the WPLO area of Pussy Willow Brook.
- **5 Gordon Lane:** Application #IWW/M-11066-20 by Peter & Cha Sedlarcik to amend wetland boundary map #F7.

- **21 Duck Pond:** Application #WPL-11068-20 by Franco Iannone of RI Pools on behalf of Jennifer Strom Simonte to install an inground pool, mechanicals, pool fence, and associated drainage. Portions of the work are within the WPLO area of the Saugatuck River.

Motion to receive the above applications.

Motion: Carey **Second:** Davis
Ayes: Carey, Davis, Bancroft, Corroon, Cowherd, Lobdell, Rycenga
Nayes: None **Abstentions:** None **Vote:** 7:0:0

2. Status of enforcement activity

Ms. Rycenga noted the report the Commission members received in an e-mail from Gillian Carroll dated September 3, 2020 as follows:

2 Woodcock Lane – G. Carroll inspected property as routine inspection for progress of construction and noticed extensive tree removal on northwest side of property nearest the wetland pocket adjacent to the neighboring property. Five or six mature trees were removed, and 3-4 trees were removed within the 20 ft non-disturbance area. A Notice of Violation was sent out on **7/8/2020** requiring a planting plan to be submitted with the condition of completion prior to Conservation Certificate of Compliance for the open permit.

7/30/20 - Planting Plan submitted by Richard Linsley of Young's at Three Rivers and approved by G. Carroll. Currently open application, AA-WPLE-10989-20, violation will not be removed until all site work is completed, and planting plan has been installed.

28 Jennings Court- The Conservation Dept. discovered this violation when the Engineering Department notified the Conservation Department that they received a site plan of an as-built survey conducted in 2018 with a proposal for a new drainage system on March 9th. 2020. The survey indicated the expansion of a driveway, and patio that was never previously approved or proposed. The current property owners were issued a permit in 2013 for an addition and front entry addition however, nothing further. A Notice of Violation was Issued for performing a regulated activity within the 20' setback area and doing so without a permit.

4/21/20 - Mr. Adam Brodsky contacted Conservation Dept. and is updating the survey and has a drainage plan currently being reviewed by Engineering Department. He will need Health approval for the patio and the driveway expansion and once he receives that approval A. Mozian is including these two items to be amended to the existing open permit from 2013 to legalize them both.

7/6/2020 – The Conservation Department received an application from Oceanview Pool and Patio for the installation of a spa and to legalize the unpermitted patio and driveway expansion.

20 Webb Road - Submittal of a drainage and planting plan by David Vynerib on 4/20/20. The planting plan submitted was for an area of 17' x 5 and only had three varieties of plants and two were inappropriate for this particular wetland. G. Carroll suggested a revision and changes to the species of plants as well as to increase quantity. A new revised plan was received on 5/4/20 with a more robust planting plan as it pertains to species but not quantity. A. Mozian and G. Carroll do not feel that the proposed planting plan is sufficient or what the Commission has in mind according to their Show Cause Hearing findings “a

planting plan which works to restore the natural state of the wetland and its functions". The drainage portion of plan does not meet the criteria for the Engineering Department, so they are working to reconfigure the plan. 20 Webb Road will be a work session item for the May 20, 2020 meeting.

6/11/2020 - Conference phone call with Engineering; Amrik Matharu, Ted Gill, Conservation; Colin Kelly and Gillian Carroll and David Vynierib discussing moving forward with the only feasible location of pipe due to Engineering requirements being 30 ft from the property line of 20 Webb Road and 18 Webb Road. David said the homeowners do not want the pipe located in the middle of the yard and he does not have authority to move forward with this plan without their permission.

It was decided David will be given the opportunity to discuss with homeowner the only option of the pipe location and report back to Engineering and Conservation on his authority of executing this plan. Amrik Matharu, Ted Gill and Gillian Carroll are having a conference call with homeowner Jason Heaps (present at the Show Cause Hearing) within the next few days to discuss plans moving forward.

6/30/2020- David Vynierib on behalf of Jason Heaps submitted an updated plan to the Engineering Department that met their requirements for the distance setback from the side yard (30 ft) and sewer easement. The Conservation Commission is now responsible for determining whether they feel the planting plan incorporated on the plan submitted on 6/30/20 meets the conditions of approval from the Show Cause Hearing.

8/27/2020 – Conservation Department received notice that the installation of the new drainage pipe dissipater is being installed as well as plantings. Awaiting notice work has been completed for final inspection.

Open Violations

- **8 Indian Point Road** – Plans for planting installed in Fall when more suitable for planting. Checking in on October 1, 2020.
- **61 Richmondville Avenue** - Planting planned for the Spring Season – Stabilization has been met on property and waiting for Engineering to confirm roof leaders have been properly installed.
- **8 Lone Pine Lane** - Planting planned for the Spring Season – no notice of completion yet.
- **42 Kings Highway South** - Construction without a permit and fence installation – no response since violation was sent on 4/7/20.

All ongoing remediation is continuing and will be reported once they have met compliance. Please let me know if you have any questions.

Ms. Mozian highlighted the report with updates since the report was written.

23 Woodcock Lane – a planting plan has been submitted and the Notice of Violation can be removed.

28 Jennings Court – a permit has been issued and the Notice of Violation can be removed.

20 Webb Road – on August 27, 2020, they began installing the energy dissipator and the plantings as required for remediation.

61 Richmondville Avenue – it has been discovered that there has been more work done without a permit than was originally thought. A Notice of Violation is going to be issued.

- 3. Approval of the July 13, 2020 field trip minutes.**

The July 13, 2020 field trip minutes were approved as submitted.

Motion: Davis **Second:** Lobdell
Ayes: Davis, Lobdell, Bancroft, Carey, Corroon, Cowherd, Rycenga
Nayes: None **Abstentions:** None **Vote:** 7:0:0

4. Approval of the July 15, 2020 minutes.

The July 15, 2020 meeting minutes were adopted with corrections.

Motion: Carey **Second:** Lobdell
Ayes: Carey, Lobdell, Bancroft, Corroon, Cowherd, Davis, Rycenga
Nayes: None **Abstentions:** None **Vote:** 7:0:0

5. **11 Bermuda Rd.:** Request by Paul Foley on behalf of Nikola Freeman, Trustee, to allow staff to amend Permit #WPL/E-10952-20 by authorizing substitution of wood steps with construction of a raised masonry landing, steps and walkway to access the previously approved house lift to meet FEMA requirements.

Ms. Mozian noted this property has a permit to raise the house approximately 5.5 feet to meet the FEMA regulations. The property owners would like to substitute the proposed wood steps with a raised masonry landing, steps and walkway. There is a bit of terracing. Mr. Kelly showed onscreen the renderings of the proposed work. 132 s.f. of area near Plover Lane that was proposed as access is not being used and will be converted to lawn. Instead there will be a walkway. None of the terracing or the steps will interfere with the flood openings. Staff feels this proposal is insignificant enough to warrant a staff level permit.

Motion to allow a staff level permit to be issued.

Motion: Bancroft **Second:** Lobdell
Ayes: Bancroft, Lobdell, Carey, Corroon, Cowherd, Davis, Rycenga
Naves: None **Abstentions:** None **Vote:** 7:0:0

Public Hearing: 7:15 p.m.

- 1. Cavalry Road Bridge:** Application #IWW, WPL-11047-20 by Keith Wilberg, Town Engineer on behalf of the Town of Westport to replace the Cavalry Road Bridge over the Saugatuck River.

Keith Wilberg, Town Engineer, presented the application on behalf of the Town of Westport. He noted Keegan Elder, P.E. of WMC Consulting Engineers was also present. He explained that if and when this approval is obtained, it will be passed onto Planning and Zoning for an

§8-24 and the full RTM for ratification under the WPLO. The Flood and Erosion Control Board and the Town of Weston have already approved the application.

Keegan Elder explained original bridge was built in 1958. The CT DOT inspected the bridge and found the bridge to be woefully inadequate and was graded "Poor". The proposed structure will be a clear-span structure. The existing bridge is overtopped during a 10-year storm. The new bridge will pass a 50-year storm. It is still lower than the 100-year storm but to raise it higher would require raising the road and encroaching into the surrounding properties. This way there is very limited encroachment onto private property. There will be 337 s.f. of permanent and 1,281 s.f. of temporary impact to the wetlands. Natural stream bed material will replace what is disturbed. This was recommended by CT DEEP Fisheries. A temporary coffer dam will be installed prior to work along with sediment and erosion fencing. The Town of Weston also asked for silt fence backed by haybales. Mr. Elder discussed the bridge construction. The bridge span will be pre-cast off-site and brought in. Also, utilities will be included within the superstructure itself; replacing those hanging off the side of the bridge now. He also reviewed the "Handling Water Notes" that outlines the construction sequence. The goal is for construction to take place in the 2021 construction season. The in-water work shall be done June 1 to September 30. The goal is to complete the project by November 30, 2021.

Ms. Rycenga asked about the anticipated start and completion dates. She suggested that the work should commence during low flow period (July/August).

Mr. Elder stated it would be April 1, 2021 to start with marking out the detour, installing signage, sediment and erosion controls and remove the decking. Then the in-water work would begin June 1, 2021. The goal would be to finished November 30, 2021.

Ms. Rycenga noted that it appears that the road will still flood during a 100-year storm event. She asked if there will be a possibility of additional flood damage to adjoining properties.

Mr. Elder stated no. In fact, more flood waters will be held in the river. They have received State Flood Management Certification.

Ms. Rycenga asked about the relocation of the overhead utilities.

Mr. Elder stated those will be relocated to the east side of the bridge. In response to question from Mr. Bancroft, the natural streambed material must be sourced and approved. The stockpiling will be within the work zone.

Ms. Rycenga noted the stockpiles need to have sediment and erosion controls. She asked about tree removal and planting plan.

Mr. Elder stated there are 5 trees to be removed or trimmed on the Westport side of the bridge.

Ms. Rycenga inquired about the stream bed material and its location. She suggested that it should be noted on the plans.

Mr. Carey discussed the stockpiling of the riverbed material. He expressed concern that it is not placed near the stream. He knows this area quite well and has seen the flooding.

Mr. Elder noted the stockpiling will be on the north side of the bridge and has approximately 250 feet of road to stockpile.

Mr. Lobdell asked why the bridge is not being built to the 100-year flood standards.

Mr. Elder indicated the bridge span would need to double in length, the road raised more than 2 feet and extend the encroachment onto private property. This could have jeopardized the funding.

Mr. Bancroft stated he likes the boulders and stream work for fish habitat but also, they will reduce erosion. He asked how the embankment will be stabilized when the trees are removed.

Mr. Elder stated they will be using riprap on the steep slope.

Mr. Cowherd noted this is a Town project. He asked how the sediment and erosion control will be synchronized between the two towns.

Mr. Wilberg stated that the bridge spans the river and the town line is approximately in the middle of the road. The Town of Westport will be coordinating with the Town of Weston but nothing they do will interfere with our plans.

Ms. Rycenga asked if a site monitor will be utilized for this project.

Mr. Wilberg stated it will either be the State DOT, the Town Department of Public Works or the Conservation staff or a combination of all three.

Ms. Rycenga asked what State of CT permits have been obtained and approved to date.

Mr. Elder stated the Flood Management Certification has been obtained.

Mr. Davis asked what will happen during an extreme storm event when the bridge is under construction. He specifically noted concerns with spills from construction equipment.

Mr. Elder stated precautions are taken before storm events regarding storage of hazardous materials. Also, they are watching the weather constantly. For example, they would not pour concrete if they know a storm is coming and the concrete cannot set.

Mr. Corroon asked about how the bridge will be demolished.

Mr. Elder stated the contractor must list the equipment being used.

Mr. Corroon asked if remediation sponges or the like will be on hand in case of hazardous spills.

Mr. Elder stated they will. He is aware of the fact they are working in the Aquifer Protection Overlay Zone and this is a more protected area.

Ms. Mozian noted this area is upstream of a DEEP designated fly-fishing area. She is mostly concerned with protecting fish habitat. She noted the number of deciduous shade trees to be removed but would like them to be flagged in the field and discussed in a pre-construction meeting to determine which might be able to be saved.

Mr. Kelly highlighted the staff report. He asked about the location of the dewatering. He noted the tree planting especially in the area of the leak-off to be reviewed by the staff. He

stated that as long as the pre-construction meeting with the contractor as well as with the site monitor takes place, he does not anticipate any problems.

Ms. Rycenga asked for comments from the public. She gave 1.5 minutes for the public to send in comments via e-mail.

With no comments from the public received via e-mail, the hearing was closed.

Motion:	Davis	Second:	Carey
Ayes:	Davis, Carey, Bancroft, Corroon, Cowherd, Lobdell, Rycenga		
Nayes:	None	Abstentions:	None
		Vote:	7:0:0

Findings

Application # IWW, WPL -11047-20

Cavalry Road Bridge

Bridge over West Branch of the Saugatuck River (BRG. #04964)

Hearing September 9, 2020

1. Receipt Date: **September 9, 2020**

2. Application Classification: **Plenary**

3. Application Request:

Applicant is requesting to the Town of Westport to replace an existing bridge which conveys Cavalry Road over the West Branch of the Saugatuck River in approximate place and kind. The work is within the waterway itself as well as the upland review area from wetlands, and within the WPLO from the West Branch of the Saugatuck River.

4. IWW and WPLO Regulated Areas:

IWW setbacks determined for this property include 20' non-disturbance buffer for the proposed site work and work within wetland boundaries.

The Waterway Protection Line Ordinance (WPLO) dictates that the WPL boundary be located 15' from the 25-year floodplain. The work for bridge is proposed within the WPLO.

5. Plans reviewed:

- a) "Replacement of Cavalry Road Bridge (No. 04964) Over Saugatuck River", Prepared for Town of Weston, Scale: As-Noted, dated April 27, 2020, prepared by WMC Consulting Engineers, 6 sheets PMT-01 to PMT-06
- b) "Preliminary Fisheries Review – DOT Project 157-TBD" From DEEP-Fisheries Division to Office of Environmental Planning, DOT, Dated July 18, 2017.
- c) "Flood Management Certification Local Bridge Program Project No. 0157-0058 Reconstruction of Bridge No. 04964, Cavalry Road over West Branch of Saugatuck River Town of Weston" From CT DOT to Chris Spaulding, First Selectman, Town of Weston, Dated July 15, 2020.
- d) "Wetland/Watercourse Delineation Report, Cavalry Road Bridge, Weston, CT" Soils report by Davison Environmental, Dated May 14, 2018
- e) "Water Pollution Control Special Provision" dated July 1, 2020.
- f) "Hydraulic Design Report Reconstruction of Cavalry Road Bridge over West Branch of Saugatuck River (Bridge No. 04964) Towns of Weston and Westport" prepared by EcoDesign LLC, Dated November 2019 and last revised April 2020.

6. Background Information:

- The pre-existing bridge is situated on the Westport-Weston town line. The bridge spans the West Branch of the Saugatuck River and was reportedly completed in 1957.
- The existing bridge shows signs of structural deficiencies with cracks in the superstructure, leaks and evidence of scour.
- The bridge location is approximately 150 ft. north of the intersection of Cavalry Road and Crooked Mile.

- The average daily traffic at the bridge is estimated to be 622 vehicles per day with minor truck traffic.
- It is located in the West Branch Saugatuck River watershed. The river flows from west to east across the project site. The confluence with the main reach of the Saugatuck River is approximately 3,600 ft. to the southeast. A FEMA flood zone is associated with this property as shown on the plans.
- The site **is** within the Aquifer Protection Overlay Zone.
- This site does **not** exist within the Coastal Areas Management Zone.
- Wetland/Watercourse Delineation Report by Davison Environmental:
- **No wetland soils** identified within the work area, "There is an abrupt transition from the riverbank to the adjacent upland. No alluvial or floodplain soils are present."
- The non-wetland soils were identified as Udorthents and Hinckley series soils
- Flood & Erosion Control Board reviewed this application pursuant to the WPLO on September 2, 2020
- The Town of Weston, CT Conservation Commission reviewed and approved the project on February 27, 2020.

Conformance to Section 6 of the Inland Wetlands and Watercourses Regulations

7. 6.1 GENERAL STANDARDS

- a) disturbance and pollution are minimized;
- b) minimize height, width, length of structures are limited to the minimum; dimension to accomplish the intended function;
- c) loss of fish, other beneficial organisms, wildlife and vegetation are prevented;
- d) potable fresh water supplies are protected from dangers of drought, overdraft, pollution, misuse and mismanagement;
- e) maintain conservation, economic, recreational and aesthetic qualities;
- f) consider historical sites

Discussion:

The existing bridge structure consists of two spans with a central pier for support. The bridge shows structural issues including cracks and drainage issues. The proposed bridge is designed to address various deficiencies as identified in the proposal and will consist of one 72 ft. span compared to the existing two 28.5 ft. span. The Commission finds that the this design proposal is less environmentally intrusive than the existing bridge, which has the central support restricting normal bankfull width of the flow of water. Removal of the restrictions from this structure and widening the span beyond the streambank is a benefit to establishing natural flow patterns and flow rates through this portion of the river. The Commission finds that the proposed bridge also allows for the passage of floodwaters that was restricted for the 100-year design flow.

The DEEP Fisheries Division established several conditions to ensure the protection of fish and habitat. They require the installation of a turbidity control curtain, where the curtain should reduce the risk of sediment movement from the work site. The work is limited to June 1 to September 30 timeframe to reduce possible impacts to organisms life cycles. The addition of boulders within the channel, upstream and downstream, create variation of water flows and produce potential habitat areas and places of refuge.

The majority of the work for the bridge will be conducted from the existing roadway. Temporary cofferdams are proposed to contain most of the northern abutment and central span support work. A double row of silt fencing will be installed around the work site. Minimal vegetation will be disturbed in areas adjacent to the roadway for access and a proposed vegetated swale will manage stormwater runoff from the existing roadway.

Only an area of 337 sq. ft. is proposed for permanent impacts as part of this proposal and 1,281 sq. ft. of area will have temporary impacts during site construction activities. Soil stockpile areas will be within the right-of-way roadway approaches. An area has been identified to handle the dewatering discharge from the excavations.

8. 6.2 WATER QUALITY

- a) flushing rates, freshwater sources, existing basin characteristics and channel contours will not be adversely altered;
- b) water stagnation will neither be contributed nor caused;
- c) water pollution will not affect fauna, flora, physical or chemical nature of a regulated area, or the propagation and habitats of fish and wildlife, will not result;
- d) pollution of groundwater or a significant aquifer will not result (*groundwater recharge area or Aquifer Protection Overlay Zone*);
- e) all applicable state and local health codes shall be met;
- f) water quality will be maintained or improved in accordance with the standards set by federal, state, and local authority including section 25-54(e) of the Connecticut General Statutes
- g) prevents pollution of surface water

Discussion:

The “Handling Water Notes” on the “Water Handling Plan” indicates the contractor shall follow the sequence for construction of the bridge. A dewatering basin is provided along the northwestern embankment. The Commission finds that this a critical portion of the construction activity. The Commission finds that applicant shall provide a site monitor to conduct weekly sediment and erosion control inspections and provide those reports to the Conservation Office. The “Water Pollution Control Special Provision” was submitted with the application and states the contractor shall provide “...a plan showing erosion and sedimentation controls above and beyond those called for in the plans and specifications...” The Commission finds that the applicant, the general contractor, site monitor, and Conservation Staff shall meet onsite at the start of the project to review Sediment and Erosion controls and discuss the need for extra measures.

The Commission finds that the restoration of the vegetative buffer adjacent to the watercourse after bridge installation shall be done. Vegetation restoration adjacent to the work area will help to safeguard natural resources by providing additional stormwater runoff filtration prior to discharge into the river. The reduction of water velocities from stormwater runoff allows vegetation to absorb some non-point pollutants such as oils, fertilizers, or herbicides that may otherwise discharge into the watercourse.

To this point, the proposed vegetated swale on the northwestern abutment could be duplicated for the other abutments.

9. 6.3 EROSION AND SEDIMENT

- a) temporary erosion control measures shall be utilized during construction and for the stabilization period following construction;
- b) permanent erosion control measures shall be utilized using nonstructural alternatives whenever possible and structural alternatives when avoidable;
- c) existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
- d) formation of deposits harmful to aquatic life and or wetlands habitat will not occur;
- e) applicable state, federal and local guidelines shall be met.

Discussion:

Specific erosion control methods are described in the application including silt fencing, temporary cofferdams, dewatering basin, and turbidity curtains. All erosion and sediment structures should be inspected and maintained on a regular basis. The Commission finds

that the applicant shall assign a site monitor to conduct weekly sediment and erosion control inspections and provide those reports to the Conservation Office. The Commission finds that the applicant, the general contractor, site monitor, and Conservation Staff meet onsite at the start of the project to review Sediment and Erosion controls and discuss the need for extra measures. A dewatering location is shown on the site plan but may need to be relocated in the field to reduce the likelihood of water re-entering the temporary cofferdam locations. Additionally, a separate stockpiling area for the excavated stream substrate soil should be designated for reuse if needed. The Commission finds that the soil stabilization of any disturbed soils should take place as soon as possible.

10. 6.4 NATURAL HABITAT STANDARDS

- a) critical habitats areas,
- b) the existing biological productivity of any Wetland and Watercourse shall be maintained or improved;
- c) breeding, nesting and or feeding habitats of wildlife will not be significantly altered;
- d) movements and lifestyles of fish and wildlife (plant and aquatic life) will not be significantly affected;
- e) periods of seasonal fish runs and bird migrations shall not be impeded;
- f) conservation or open space easements will be deeded whenever appropriate to protect these natural habitats.

Discussion:

The Commission finds that the area and amount of disturbance adjacent to the watercourse is limited, it is not anticipated to affect habitat. The proposed plan limits the amount of work within the wetlands and watercourse areas including temporary and permanent disturbance. The contractor will be directed to conduct activities from within the travel-way as much as possible in order to complete tasks.

The Commission finds that any unconfined work within the river is restricted to June 1 to September 30 timeframe. All areas should be restored to pre-construction conditions upon completion. This should assure that plant and aquatic life will not be significantly affected long term. The CT DEEP recommends the use of a turbidity curtain to protect downstream fish habitat. Additionally, the CT DEEP requires restoration efforts within the river channel to restore habitat affected by the bridge construction.

11. 6.5 DISCHARGE AND RUNOFF

- a) the potential for flood damage on adjacent or adjoining properties will not be increased;
- b) the velocity or volume of flood waters both into and out of Wetlands and Watercourses will not be adversely altered;
- c) the capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
- d) flooding upstream or downstream of the location site will not be significantly increased;
- e) the activity is acceptable to the Flood & Erosion Control Board and or the Town Engineer of the municipality of Westport

Discussion:

The Flood and Erosion Board approved this project at their meeting on September 2, 2020.

The Commission finds that the hydraulic analysis for the existing structure shows ~0.9 ft. of upstream backwater for the 100-year Design Discharge. The analysis for proposed replacement shows 0.0 ft. of upstream backwater for the 100-year Design Discharge. The Commission finds that this proposal will not cause adverse impacts to the capacity of any

wetland or watercourse to transmit or absorb floodwaters, will not increase flooding and will not adversely affect the velocity of floodwaters into and out of the wetlands.

12. 6.6 RECREATIONAL AND PUBLIC USES

- a) access to and use of public recreational and open space facilities, both existing and planned, will not be prevented;
- b) navigable channels and or small craft navigation will not be obstructed;
- c) open space, recreational or other easements will be deeded whenever appropriate to protect these existing or potential recreational or public uses;
- d) wetlands and watercourses held in public trust will not be adversely affected.

Discussion:

The Commission finds that the bridge currently provides public use for a secondary thoroughfare in town and neighbors to the north, the Town of Weston. The proposed development will not affect public use beyond the detours required while under construction. The recreational use is minimal.

13. CRITERIA TO BE CONSIDERED BY THE COMMISSION

In carrying out the purposes and policies of the IWW regulations for the Town of Westport Section 5.0 and Sections 22a-36 to 22a-45(a,) inclusive, of the Connecticut General Statutes, including matters relating to regulating, permitting and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to:

- a) The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c) The relationship between the **short-term** and **long-term impacts** of the proposed regulated activity on wetland or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.
- d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity **would foreclose a future ability to protect**, enhance or restore such resource and any mitigation measures which may be considered as a condition of issuing a permit for such activity
- e) The character and degree of injury to, or interference with, safety, health or reasonable use of property which is caused or threatened by the proposed regulated activity
- f) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and **future activities** associated with, or reasonably related to, the proposed regulated activity **which are made inevitable** by the proposed regulated activity and which may have an impact on wetlands or watercourses. ; and
- g) The degree to which the proposed activity is consistent with all applicable goals and policies set forth in Section 1.3 and 1.4 of these Regulations and Section 22a-36 of the Connecticut General Statutes, as amended.

14. Waterway Protection Line Ordinance

Section 148-9 of the Waterway Protection Line Ordinance states that the applicant shall submit information to the Conservation Commission showing that such activity will not cause water pollution, erosion and/or environmentally related hazards to life and property and will not have an adverse impact on the preservation of the natural resources and ecosystem of the waterway, including but not limited to impact on ground and surface water, aquifers, plant and aquatic life, nutrient exchange and supply, thermal energy flow, natural pollution filtration and decomposition, habitat diversity, viability and productivity and the natural rates and processes of erosion and sedimentation.

The Waterway Protection Line boundary exists 15' from the 25-year flood line onsite. The Flood & Erosion Control Board has approved this application on September 2, 2020 with standard conditions.

The Commission supports the Town's efforts to upgrade deteriorating infrastructure for the safety of its citizens. The Commission finds that the new bridge's design and placement increases the amount of floodwaters able to pass for a 100-year storm, which in turn, reduces the amount of water backed up during major storm events. As stated in the "Hydraulic Design Report", the southerly approach will continue to flood during the 100-year storm event, but now will be passable during a 25-year storm event. The southerly approach currently is not passable. The Commission finds that this effort will reduce the frequency of flooding of the roadway. Any erosion of soils and pollutants entering the watercourse should be minimized provided the erosion controls are properly installed and maintained throughout construction. The Commission finds that the long-term slope stabilization will occur by the addition of more plantings along the abutments and will benefit resources by limiting erosion and provide biofiltration of pollutants from any runoff. The Commission finds that this will not significantly impact resources as they are protected under the Waterway Protection Line Ordinance.

Conservation Commission
TOWN OF WESTPORT
Conditions of Approval
Application # IWW, WPL -11047-20
Cavalry Road Bridge
Bridge over West Branch of the Saugatuck River (BRG. #04964)
Date of Resolution: September 9, 2020

Project Description: Applicant is requesting to the Town of Westport to replace an existing bridge which conveys Cavalry Road over the West Branch of the Saugatuck River in approximate place and kind. The work is within the waterway itself as well as the upland review area from wetlands, and within the WPLO from the West Branch of the Saugatuck River.

Owner of Record: Town of Westport

Applicant: Keith Wilberg, Town Engineer

In accordance with Section 6 of the *Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport* and Section 30-93 of the *Waterway Protection Line Ordinance* and on the basis of the evidence of record, the Conservation Commission resolves to

APPROVE Application **#IWW,WPL-11047-20** with the following conditions:

1. Completion of the regulated activity shall be within FIVE (5) years following the date of approval. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than TEN (10) years.
2. Permits are not transferable without the prior written consent of the Conservation Commission.
3. It is the responsibility of the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, State of Connecticut, or of any political subdivision thereof.

4. If an activity also requires zoning or subdivision approval, special permit or special exception under section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval is obtained.
5. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
6. The Conservation Department shall be notified at least **forty-eight (48)** hours in advance of the initiation of the regulated activity for inspection of the erosion and sediment controls.
7. All activities for the prevention of erosion, such as silt fences and hay bales shall be under the direct supervision of the site contractor who shall employ the best management practices to control storm water discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the applicant or agent weekly and after rains and all deficiencies must be remediated with twenty-four hours of finding them.
8. The applicant shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourse.
9. Organic Landscaping practices are recommended as described by the Northeast Organic Farming Association.
10. All plants proposed in regulated areas must be non-invasive and native to North America.
11. Trees to remain are to be protected with tree protection fencing prior to construction commencement.
12. The bottom of all storm water retention structures shall be placed no less than 1 foot above seasonal high groundwater elevation.
13. The applicant shall immediately inform the Conservation Department of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which development in the course or are caused by the work.
14. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse unless authorized by this permit.
15. A final inspection and submittal of an "as built" survey is required prior to the issuance of a Certificate of Compliance.
16. All on-site dumpsters shall be covered at the end of each workday and or when not in use.

SPECIAL CONDITIONS OF APPROVAL

17. Conformance to the plans entitled:
 - a) "Replacement of Cavalry Road Bridge (No. 04964) Over Saugatuck River", Prepared for Town of Weston, Scale: As-Noted, dated April 27, 2020, prepared by WMC Consulting Engineers, 6 sheets PMT-01 to PMT-06
 - b) "Preliminary Fisheries Review – DOT Project 157-TBD" From DEEP-Fisheries Division to Office of Environmental Planning, DOT, Dated July 18, 2017.
 - c) "Flood Management Certification Local Bridge Program Project No. 0157-0058 Reconstruction of Bridge No. 04964, Cavalry Road over West Branch of Saugatuck River Town of Weston" From CT DOT to Chris Spaulding, First Selectman, Town of Weston, Dated July 15, 2020.
 - d) "Wetland/Watercourse Delineation Report, Cavalry Road Bridge, Weston, CT" Soils report by Davison Environmental, Dated May 14, 2018
 - e) "Water Pollution Control Special Provision" dated July 1, 2020.
 - f) "Hydraulic Design Report Reconstruction of Cavalry Road Bridge over West Branch of Saugatuck River (Bridge No. 04964) Towns of Weston and Westport" prepared by EcoDesign LLC, Dated November 2019 and last revised April 2020.

18. Conformance to conditions of the Flood & Erosion Control Board approval of September 2, 2020.
19. A site monitor shall be retained for the duration of this project's construction and completion. Said monitor shall ensure compliance with the sediment and erosion control plans. Said monitor shall conduct weekly inspections and after storm events greater than 1 inch with written reports submitted to the Conservation Department on a weekly basis.
20. The applicant, the general contractor, site monitor, and Conservation Staff shall meet onsite at the start of the project to review Sediment and Erosion controls and discuss the need for extra measures. Conservation Department to be contacted 48 hours prior to construction commencement.
21. Provide a planting plan, prior to startup of onsite construction, to Conservation Department Staff for the disturbed areas around bridge abutments to ensure slope stabilization and biofiltration.
22. All planting within 20' from the wetland area shall be done by hand. Mulching within this area shall be done with organic leaf mulch. Plantings must be installed prior to the issuance of a CCC.
23. Submittal of the CT DEEP Fisheries Division final sign-off for stream restoration activities is required prior to the issuance of a CCC.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

This approval may be revoked or suspended if the applicant exceeds the conditions or limitations of this approval or has secured this application through inaccurate information.

Motion: Carey Second: Lobdell
Ayes: Carey, Lobdell, Rycenga, Davis, Corroon, Bancroft, Cowherd
Nayes: 0 Abstentions:0 Vote: 7:0:0

2. **5 Vineyard Lane:** Application #IWW/M-11038-20 by Robert S & Lorraine J Steinmetz to amend wetland boundary map #F14.

Robert Steinmetz presented the application. He explained Otto Theall was contracted to field identify the wetland soils. They felt the Town wetland map was erroneous as the line came very close to the house.

Mr. Kelly gave the staff report. Soil scientist, Otto Theall flagged the line for the property owners. Soil scientist, Mary Jaehnig confirmed Mr. Theall's line on behalf of the Town.

Ms. Mozian noted the house was built in 1963 most likely on wetland soils since the soils are Udorthents and the house was built prior to the adoption of the wetland regulations. She added this amendment represents a 4,259 s.f., reduction in regulated area on the property.

Ms. Rycenga asked for public comment. She gave 1.5 minutes for comments to be sent in via e-mail.

With no comments received via e-mail, the hearing was closed.

- The Waterway Protection Line Ordinance boundary is shown. It is established at 15' from the proposed wetland line.
- The Current Town of Westport Wetland map shows a larger area of the wetland boundary on the parcel.
- The flagged wetland area is **30,888 sq. ft.** as determined by the Leonard Surveyors LLC survey, dated July 10, 2013. The Town of Westport wetland area (per GIS) is **~35,147 sq. ft.** this represents a **reduction of 4,259 sq. ft.**

7. **Discussion:**

The applicant submitted a soils report by Otto R. Theall, dated March 28, 2013, that documents his investigation of the soils on the site. This report identifies the soils listed above. Additionally, Mr. Theall submitted a letter, dated July 7, 2020 that states the wetlands are accurately depicted on the submitted map.

The Town of Westport retained the services of Mary Jaehnig, Pfizer-Jaehnig Environmental Consulting, to review the proposed wetland boundary. Mrs. Jaehnig conducted an on-site investigation on August 12,, 2020. Her letter, dated August 21, 2020, supports the findings of Mr. Theall.

The Commission finds that the Town's wetland boundary map be amended to reflect the boundaries as flagged and concurred to by the soil scientists as shown on the "Plot Plan prepared for Robert H. Steinmetz & Lorraine J. Steinmetz 5 Vineyard Lane, Westport, Connecticut", Scale: 1"=20', dated July 10, 2013, prepared by Leonard Surveyors LLC.

Resolution Application #IWW/M-11038-20 5 Vineyard Lane Date of Resolution: September 9, 2020

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application **#IWW/M-11038-20** by Robert S. & Lorraine J. Steinmetz to amend the wetland boundary on Map: #F14 Lot: #056 on the property located at 5 Vineyard Lane with the following conditions:

1. Conformance to the plans titled:

"Plot Plan prepared for Robert H. Steinmetz & Lorraine J. Steinmetz 5 Vineyard Lane, Westport, Connecticut", Scale: 1"=20', dated July 10, 2013, prepared by Leonard Surveyors LLC

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void.

Motion: Lobdell

Second: Rycenga

Ayes: Lobdell, Rycenga, Carey, Corroon, Bancroft, Davis, Cowherd

Nays: 0

Abstentions: 0

Votes: 7:0:0

3. **128 Bayberry Lane: Continued Application:** ~~Application #IWW/WPL/E-11007-20 by John F Fallon, Esq. on behalf of the Estate of James S & Dina Belta for a proposed "Open Space Subdivision" consisting of nine (9) residential lots, two of which will be retained by the Belta~~

~~family. The lots will be accessed by 960 ft. long by 22 ft. wide dead-end road with underground utilities and stormwater management. Each lot will be served by a private septic system and public water supply. Portions of the work are within the upland review area.~~

This item was postponed to October.

4. **6 Manitou Court:** Application WPL-11051-20 by Andy Soumelidis of LandTech on behalf of 6 Manitou Court LLC to elevate and renovate the single family residence along the river and construct an enclosed breezeway connecting to a new addition with an in-ground pool upgradient and outside the WPLO area of the Saugatuck River. The driveway will remain in the same general location. The second single family residence will be demolished. The project will also include a new septic system, filling, grading, terracing retaining walls and drainage improvements. The dock is to remain with seawall repairs and rebuilding of the existing deck.

Mel Barr, Land Use Consultant deferred to Andy Soumelidis, PE from LandTech to present the application.

Andy Soumelidis, PE presented the application. The existing conditions include a 1.3 acres parcel with 2 houses on the site and served by 2 separate septic systems. The boat house septic system is 15 feet from the seawall. The septic system for the other house is about 65 feet from the seawall. Currently, there is no drainage for the site. There is a catchbasin by the existing shed that picks up surface runoff and discharges over by the firepit.

Mr. Soumelidis asked Mr. Kelly to share Sheet C-0, the demolition plan, onscreen. He noted the demolition will not be done all at once. He highlighted the plan. The deck by the boathouse will be replaced in-kind. The float on the dock will be enlarged. He highlighted the silt fences, of which there are 6 plus a turbidity curtain along the seawall. He stated both the septic systems will be abandoned in place. There are 5 trees in the WPLO area that will be removed and another 15 outside. They want to clear-cut the trees but will leave the stumps until it is time to build in that area and then the stumps will be removed. The boat house is being elevated from 14.9 feet to 21 feet. He noted because the Coast Jurisdiction Line (CJL) touched the boat house, the raising of the boat house was reviewed by the DEEP. The parking court will be removed and replaced with a permeable parking court. A heated breezeway will be constructed to connect the boat house with the barn addition so that it will be considered one single family residence. The deck will be replaced. Sections of the timber seawall will be replaced and retrofitted with weep holes. Behind the masonry seawall, filter fabric will be installed that should prevent further erosion.

Mr. Soumelidis discussed drainage. The existing driveway sheetflows directly to the river. The proposed driveway will interface with a permeable courtyard. It will have a reservoir of fill with pipes and a hydrodynamic separator to handle oil and grit from the driveway runoff. It will handle a 25-year flow. Also, the catchbasin by the shed will be discharged underneath the deck. Half of the footing drains along the barn structure will go to a splash pad. The other half will discharge to a level spreader. There is no runoff proposed for the boathouse due to its close proximity to the River. The proposed septic will be outlined with a retaining wall. It will be 150 feet from the river. A pump chamber will be used to pump from both structures to the septic. Electric will be brought in from the driveway. The barn will have a 4.5-foot deep pool, which is the same depth needed for the footings so no additional excavation is needed than that which would normally be required. The lowest level of the boathouse will be open. when the boathouse is elevated

Mr. Soumelidis asked to have the landscape plan shared onscreen. He noted the slope waterward and to the south of the building will be heavily vegetated. They will be replacing the 20 trees that are removed.

Mr. Soumelidis discussed the June 2020 GZA hydrology report and the 7 recommendations. He reviewed each recommendation and how the plans were amended to incorporate the recommendations.

Mr. Kelly asked for a discussion of the confinement berms within the permeable parking court.

Mr. Soumelidis stated because of the slope and the permeable pavement, the confinement berms are used to retain the permeability of the parking court. He noted there is a construction sequence that was provided to DEEP, figure 12 of their approval. He asked to be allowed to work with staff to refine. He indicated that the 6 silt fences, if installed correctly, should be okay. The Flood and Erosion Control Board recommended silt fence. He does want to cut trees at once but leave the stumps until working the area. They would start by elevating the house and demo beneath it. They will then lift the boat house and install the footings for the house and columns for the new deck. All work would have to be done at low tide. Simultaneously, they would like to start the barn construction so they can pour both foundations at the same time. They will build the walls working from the water up the slope. Then there will be the septic installation. Finally, the driveway and parking court installation since this is permeable and they do not want heavy trucks and machinery driving over it and compacting the material. He noted the project needs a ZBA variance for the boathouse for setbacks and then will go for a CAM Site Plan Review.

Cory Jorgensen, LA of Wesley Stout Associates stated he chose plantings native to the Connecticut area or cultivars of natives. Also, he chose groundcovers that will take over the slopes for stabilization. They are removing 20 trees and they are replanting 20 trees of the same species. They are trying to minimize the lawn especially the understory. However, there is lawn proposed over the septic system. There is a series of long steps that will disguise the slope.

Ms. Rycenga asked about blasting or the like for construction is necessary as she observed outcrops of ledge on site at the sitewalk.

Mr. Soumelidis stated there will be some hammering in the area of the barn.

Ms. Rycenga stated she wants to see a detailed construction sequence. On project of this scope, it is important to have this. She asked the length of construction.

George Desmond, builder, stated it would take about 2 months to elevate the boat house. The entire project should be complete in 12 to 18 months. He indicated that he would like to start the barn at the same time as working on the boat house, so they can pour the foundation at the same time.

Ms. Rycenga asked if there is a maintenance plan for the hydrodynamic separator and all stormwater features proposed.

Mr. Soumelidis stated there is not one yet.

Ms. Rycenga stated that one is needed. She asked if there is an objection to having a site monitor for the project.

Mr. Soumelidis stated a site monitor is a condition of the Flood Board.

Ms. Rycenga asked about the turbidity curtains and wanted to know the length of the curtains and if they will remain in place for the duration of the project.

Mr. Soumelidis stated the turbidity curtains are only needed for the seawall work. They can be replaced as needed.

Mr. Lobdell asked why 20 trees are being removed.

Mr. Jorgensen stated the 20 trees are being removed because of their proximity to the buildings or construction that would cause damage to the trees or they would be leaning over the new construction. Any that can be saved will be saved. He added that 20 new trees will be replanted.

Mr. Carey noted this is a very complicated project. He asked about the accessway during construction and how it will be stabilized.

Mr. Soumelidis stated test pits have been done which indicate that the soils are stable. It is a condition of the CT DEEP. Flood Board also wants to see the grading associated with the accessway.

Mr. Carey asked how the septic pump works especially if there is an on-going power outage.

Mr. Soumelidis stated there is a 1,000-gallon propane tank designated solely for the septic tank. That should work for about a week if there was a loss of power. Also, the septic tank is 1,500 gallons and that needs to fill up first. Effluent would then back up into the house.

Mr. Bancroft noted there is an ejector pump in the basement of the barn and to ensure that water flows by gravity from the boathouse to the ejector pump.

Mr. Corroon noted there is usually an alarm on the ejector pump to alert the owner if there is a problem. He noted the same builder worked on the site next door, he asked if there were any lessons learned.

Mr. Desmond stated this site is very much the same.

Mr. Kelly asked Mr. Desmond what machinery will be used to jack up the boat house and install the pilings. Further, he asked how he would get something under the structure to jack it up.

Mr. Desmond stated the lower level is all wood. Underneath the house is hollow, so they will be able to get a machine down to install the cribbing. The house will be jacked up then the excavator can remove existing footings.

Mr. Kelly asked where the stockpile will go.

Mr. Soumelidis noted Figure 4 of the DEEP submission.

Ms. Rycenga asked if check dams should be installed along the construction accessway. She noted the level spreader should be included in the maintenance plan. She asked if Mr. Soumelidis would certify that the level spreader was installed as designed.

Mr. Soumelidis stated he would.

Ms. Rycenga indicated she would like a copy of the DEEP approval.

Mr. Davis reinforced the importance of the construction sequence.

Ms. Mozian asked about the fill for the septic and retaining wall and its impact on the drainage system.

Mr. Soumelidis stated the wall is 25 feet from the septic system and 50 feet from the drainage structures. It meets the minimum distances.

Mr. Kelly noted Health approval was received before the revised plans were submitted. However, an updated review by Health could be received before the Zoning permit.

Ms. Mozian confirmed the pool depth of 4.5 feet.

Ms. Rycenga felt she needs more information before deciding. This includes the maintenance plan for all drainage and stormwater components and the construction sequencing/phasing plan. She also suggested adding a location on the plans for a staging area and dumpster location.

Mr. Davis noted the DEEP construction sequencing does not include the barn, pool construction, septic, driveway, or tree removal.

Ms. Rycenga asked for public comment and gave 2 minutes for public comment to be received via e-mail.

There were no public comments either live or via e-mail.

Ms. Rycenga polled the Commission to see if they wanted to continue or close.

It was the consensus of the Commission to continue the hearing.

The Commission also wanted information on the staging area and dumpster location and the fill for the septic in the construction sequence.

Mr. Lobdell asked where the fill will be coming from.

Mr. Soumelidis stated the fill must be residentially proper and the contractor has to certify it meets this criteria.

The hearing was continued to September 23, 2020.

Motion:	Rycenga	Second:	Carey
Ayes:	Rycenga, Carey, Bancroft, Corroon, Cowher, Davis, Lobdell		
Nayes:	None	Abstentions:	None
			Vote: 7:0:0

The September 9, 2020 Public Hearing of the Westport Conservation Commission adjourned at 10:18 p.m.

Motion:	Rycenga	Second:	Davis
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Ayes: Rycenga, Davis, Bancroft, Carey, Corroon, Cowherd, Lobdell
Nayes: None **Abstentions:** None **Vote:** 7:0:0